

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

---

Ex parte NORIMITSU SAITO and  
MING ZHAO

---

Application No. 09/734,786

---

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

---

This application was electronically received at the Board of Patent Appeals and Interferences on June 24, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.


We were unable to locate a copy of the Ross reference relied on by the Examiner in the Examiner's Answer (page 4) mailed December 3, 2003.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to locate the missing Ross reference, have a complete copy scanned into the IFW file, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
\_\_\_\_\_  
Kimberly Jordan  
Program and Resource Administrator  
(703) 308-9797

Morrison & Foerster LLP  
381 Valley Centre Drive  
Suite 500  
San Diego, CA 92130-2332

RA04-0675  
dem